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U.S. APPLICATION NO. 08/913,960	FIRST NAMED APPLICANT MURRER	ATTY. DOCKET NO. B 242267
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CUSHMAN DARBY & CUSHMAN  
1100 NEW YORK AVENUE NW  
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WASHINGTON DC 20005-3918

5621  
DUE ON  
JAN 02 1998

INTERNATIONAL APPLICATION NO. PCT/GB96/00575	
I.A. FILING DATE 03/19/96	PRIORITY DATE 03/25/95

DATE MAILED: 12/02/97

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ 260 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875. *(will be charged to your dep. acct. 03-3975 for proper & improper multiples)*

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE **MUST** BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application-no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (September 1996)

Karen McLean  
(703) 308-9117

PCT International Division

PILLSBURY MCDONALD & SUTRO

DEC 05 1997

WASHINGTON DC

**COMPLETION OF FILING NATIONAL PHASE OF PCT APPLICATION**  
**UNDER RULE 35 USC 371 AND 37 CFR 1.494(C) OR 1.495(C)**

**BOX PCT**

**COMPLETION**  
**For PCT Cases Only**

In re **PATENT APPLICATION** of  
Inventor(s): **MURRER ET AL**

**Attn: Application Division**

Appln. No.: **08** **913,960**  
Series Code  $\uparrow$  Serial No.  $\uparrow$

Atty. Dkt. **PMS** **242267** **MBUS 1126A**  
M# Client Ref

National Phase Field

Based on **PCT** **GB96** **00575**  
 $\uparrow$  Country Code

(Our Deposit Account No. 03-3975)  
(Our order No. **41015** **242267**)

Title: **PHARMACEUTICAL COMPOSITION CONTAINING**  
**SELECTED LANTHANUM CARBONATE HYDRATES**

C# M#

Date: January 2, 1998

**FILING OF ITEM(S) LATE IN PCT/USA NATIONAL CASE**

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

The following completes the filing of the subject application under Rule 494(c)/495(c). Please accept the following attached items:

1. Missing Requirements Notice (PCT/DO/EO/905) ☒ copy attached ☐ not yet received  
02/20/1998 WCLAYBRO 00000003 08913960  
01 FC:2768 ☒ **Signed Declaration** ☒ Original ☐ Facsimile/Copy ☒ with spec/claims attached

3. ☐ **Translation** of the International Application into English including:

- a. ☐ Request; b. ☐ Abstract  
c. ☐ pgs. Spec. and Claims; d. ☐ Translation verification

Rep. Ref. sheets Drawing which are: ☐ informal ☐ formal of size ☐ A4 ☐ 11"

02/20/1998 WCLAYBRO 0015425300  
DAH:033975 Name/Number:08913960  
FC: 704

4. ☒ a copy of **International Search Report** (ISR) attached (2 page(s))  
a. ☐ plus Annex of family members (\_\_\_ page(s))

5. **Information Disclosure Statement** including

- a. ☐ From PTO-1449 listing documents  
02/02/1998 KDUNCANI 00000171 08913960  
01 FC:154 b. ☐ Copies of document(s) listed on Form PTO-1449  
02 FC:968 c. ☐ A concise explanation of ISR references is given in the ISR

6. ☒ **Assignment** and cover sheet. Please return the recorded assignment to the undersigned.

7. ☐ Copy of Power to international application agent.

8. \_\_\_ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.

Adjusted date of filing: 02/20/1998 ☒ **Formal Drawings**: 4 sheet(s) ☐ informal; ☒ formal of size: ☒ A4 ☐ 11"  
02/02/1998 KDUNCANI 00000171 08913960  
02 FC:968 -270.00 DP

10. ☒ Please immediately start national examination procedures (35 USC 371(f))
11. ☒ Attached: International Preliminary Examination Report
12. ☐ Preliminary Amendment:
13. ☒ Basic U.S. National fee per Rule 492(a)(1)-(4) was previously timely filed.:
14. **Calculation of remaining fees due (if any):** based on amended claim(s) per above item  
☐ 12 (above) or item(s) in PAT-112 (filed previously)      ☐ 12      ☐ 14      ☐ 17      ☐ 25
15. **CLAIMS FEES**      ☐ previously paid      ☒ paid herewith as follows:

				Large/Small Entity		Fee Code
16. Total Effective Claims	17	minus 20 =	0	x \$22/\$11	+0	966/967
17. Independent Claims	1	minus 3 =	0	x \$82/\$41	+0	964/965
18. If <u>any proper</u> multiple dependent claim (ignore improper) is present,				\$270/\$135	+270	968/969
19. Filing Declaration late, fee paid <input type="checkbox"/> previously <input checked="" type="checkbox"/> now				\$130/\$65	+130	154/254
20. <b>SUBTOTAL</b>					<b>\$400</b>	
21. <b>Original due date:</b> January 2, 1998						
22. <b>Petition is hereby made</b> to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached				(1 mo) \$110/\$55 =	+	115/215
				(2mos) \$400/\$200 =		116/216
				(3mos) \$950/\$475 =		117/217
				(4mos) \$1510/\$755 =		118/218
23. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+0	139
24. If "assignment" box 6 is X'd, add recording fee. . . . .				\$40	+40	581
25. <b>TOTAL FEE ENCLOSED =</b>					<b>\$440</b>	

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

1100 New York Avenue, N.W.  
 Ninth Floor East Tower  
 Washington, D.C. 20005-3918  
 Tel: (202) 861-3000  
 PNK/mh

Pillsbury Madison & Sutro LLP  
 Intellectual Property Group

By: Atty: Paul N. Kokulis

Sig:



Reg. No. 16773

Fax: (202) 822-0944  
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**NOTE:** File in duplicate with PTO receipt (PAT-103A) and attachments